

NO. 23217

IN THE SUPREME COURT OF THE STATE OF HAWAII

BANK OF HAWAII, Plaintiff-Appellee

vs.

JAMES J. BROWN, Defendant-Appellant

and

VILLAS OF HAWAII, INC., a Hawaii
corporation, and RICHARD W. LEWIS, Defendants.

APPEAL FROM THE FIRST CIRCUIT COURT
(CIV. NO. 93-5028)

ORDER DISMISSING APEAL

(By: Moon, C.J., Levinson, Nakayama,
Ramil, and Acoba, JJ.)

Upon review of the record, it appears that: (1) the February 3, 2000 judgment, which purports to be certified pursuant to HRCP 54(b), does not contain the language necessary for certification under HRCP 54(b); see Jenkins v. Cades Schutte Fleming & Wright, 76 Hawaii 115, 119-120, 869 P.2d 1334, 1338-39 (1994) ("[I]f a judgment purports to be the final judgment in a case involving multiple claims or multiple parties . . . [and] . . . if the judgment resolves fewer than all claims against all parties, . . . an appeal may be taken only if the judgment contains the language necessary for certification under HRCP 54(b). . . . [T]he necessary finding of no just reason for delay

. . . must be included in the judgment."); and, thus, (2) this appeal is premature and we lack jurisdiction. Therefore,

IT IS HEREBY ORDERED that this appeal is dismissed for lack of appellate jurisdiction.

DATED: Honolulu, Hawai'i, July 12, 2000.

RONALD T. Y. MOON, Chief Justice

STEVEN H. LEVINSON, Associate Justice

PAULA A. NAKAYAMA, Associate Justice

MARIO R. RAMIL, Associate Justice

SIMEON R. ACOBA, JR., Associate Justice